

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 3:19-CR-109
	)	
JOHNNY COLE	)	

**ORDER**

On August 24, 2020, United States Magistrate Judge C. Clifford Shirley conducted a change of plea hearing and filed a Report and Recommendation (“R&R”) recommending: (1) that the Court find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) that the defendant’s plea of guilty to the lesser included charge of Count One of the indictment be accepted; (3) that the defendant be found guilty of that charge; (4) that a decision on whether to accept the plea agreement be deferred until sentencing; and (5) that the defendant remain in custody until his sentencing hearing. [Doc. 48]. No objections have been filed to the R&R, and the time for doing so has now passed. *See* Fed. R. Crim. P. 59(b)(2).

The Court has thoroughly reviewed the R&R. Having done so, Magistrate Judge Shirley’s R&R [Doc. 48] is **ACCEPTED** and **ADOPTED** in full.

Pursuant to 28 U.S.C. § 636(b)(1), it is **ORDERED** that:

1. The plea hearing conducted in this case on August 24, 2020, could not have been further delayed without serious harm to the interests of justice;

2. The defendant's plea of guilty to the lesser included charge of Count One of the indictment, that is, of knowingly conspiring to distribute and possess with the intent to distribute five grams or more of methamphetamine with the intent to distribute, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B), is **ACCEPTED**;

3. The defendant is **ADJUDGED** guilty of the lesser included charge of Count One of the indictment;

4. The decision whether to accept the parties' plea agreement is **DEFERRED** until sentencing; and

5. The defendant shall remain in custody until sentencing, which is scheduled to take place on **Tuesday, January 19, 2021, at 10:00 a.m.** in Knoxville.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan

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United States District Judge